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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/782,392   | 02/18/2004  | Kurt Schaupert       | VO-666              | 4346             |
| 42419  | 7590        | 10/28/2004           | EXAMINER            |                  |
| PAULEY PETERSEN & ERICKSON<br>2800 WEST HIGGINS ROAD<br>SUITE 365<br>HOFFMAN ESTATES, IL 60195 |             |                      | LEUNG, PHILIP H     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3742                |                  |

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/782,392             | SCHAUPERT, KURT     |  |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |  |
| Philip H Leung               | 3742                   |                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-31 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-21-2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. The drawings filed 2-18-2004 are acceptable.
2. In claim 28, should "support arm" at the last line be "support frame" instead?

Clarification and/or correction are suggested.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 20-22 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al (US 4,054,768).

White shows a microwave oven having an observation window with a support frame (31) and at least one transparent cover plate (12a, 12b, 12c, 12d) affixed to the support frame (31) for closing off the chamber, wherein the at least one cover plate (see col. 4, lines 65-67) is covered on at least one side with a metallic screen (28), which is impenetrable to microwaves, the observation window comprising: the screen (28) movably seated with respect to the support frame (31) and to increase an ability to view through the screen (28) a drive mechanism (35, 36, 39) moving the screen (28) (see Figures 1-3 and col. 3, line 44 – col. 5, line 68). In regard to claims 5, 6 and 22, Figure 2 shows the window 13 may be circular in shape. In regard to claims 29 and 30, springs 34 are the claimed flexible connection or the elastic support element. In regard to claim 31, cam 35 and motor 36 are the claimed motor and disk.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-19 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al (US 4,054,768).

As set forth above White shows every feature and structure as claimed except for the exact rotational movement of the screen. However, the exact movement of the screen, such as a the oscillation frequency and the oscillation amplitude, would have been a matter of engineering expediencies depending on the size and density of the view apertures and could be easily determined by an ordinary artisan through routine trial and error experimentation.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

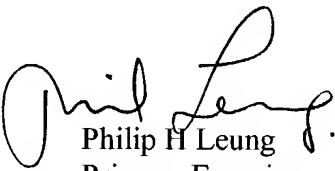
Rueggeberg (US 4,185,182) and Sato (JP 57-23727) are further cited to show microwave ovens with various claimed features.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (703) 308-1710.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip H Leung  
Primary Examiner  
Art Unit 3742

P.Leung/pl  
10-27-2004